



3761.
PATENT \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Edward CUMMING

Application No. 09/730,628

Filed: December 5, 2000

For: BREATHING APPARATUS

) Attorney Docket No. MEWBP001

) Examiner: D. Erez

) Group Art Unit: 3761

) Date: August 15, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, Alexandria, VA 22313-1450 on August 15, 2003.

Signed:

Peter B. Martine

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant hereby transmits an Amendment in the above-identified application.

The fee has been calculated as shown below.

	Claims Remaining After Amendment	Highest Previously Paid For	Present Extra	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
TOTAL CLAIMS	29 -	27	02	X09 = \$	OR	X18 = \$ 36.00
INDEP CLAIMS	05 -	03	02	X42 = \$	OR	X84 = \$168.00

[] Multiple Dependent Claim Present
and Fee Not Previously Paid

\$140

\$280

TOTAL

\$

\$204.00



Applicant hereby petitions for a **one-month** extension of time to respond to the Office Action. Applicant believes that no additional extension of time is required; however, if it is determined that such an extension is required, Applicant hereby petitions that such an extension be granted and authorizes the Commissioner to charge the required fees for an extension of time under 37 CFR 1.136 to Deposit Account No. 50-0805 (Order No. MEWBP001).



Enclosed is our Check No. 09383 in the amount of \$314.00 to cover the fees for the extension of time and the additional claims.



If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No: MEWBP001).

Respectfully submitted,
MARTINE & PENILLA, LLP

Peter B. Martine
Registration No. 32,043

710 Lakeway Drive, Suite 170
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Customer No. 25920

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Signed: _____

Peter B. Martine

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this paper in response to the Office Action dated April 15, 2003. A response to this Office Action was due on July 15, 2003. Accordingly, Applicant is concurrently submitting a petition for a one-month extension of the period for response.

Please amend this application as follows:

The **Amendments to the Claims** made herein are reflected in the **Listing of Claims**, which begins on page 2 of this paper.

Applicant's **Remarks** begin on page 11 of this paper.

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01 FC:1202	36.00 OP
02 FC:1201	168.00 OP
03 FC:1251	110.00 OP

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